

MINUTES
BOARD OF EXAMINERS
OF PRIVATE INVESTIGATORS
AND PRIVATE SECURITY AGENCIES
HEARINGS/MEETING
THURSDAY
JANUARY 31, 2018
1:00 P.M.
TATNALL BUILDING
150 MARTIN L. KING, JR. BOULEVARD SOUTH
ROOM 112
DOVER, DE

I. Call to Order

Lt. Col. Hudson called the meeting to order at 1302 hours and subsequently turned the meeting over to Ms. Anderson. The meeting is recorded and the Professional Licensing Section will maintain the records.

Introductions will be done when everyone arrives.

The following members of the Board of Examiners were in attendance:

Lieutenant Colonel Monroe B. Hudson, Jr.
Director Robert J. Irwin
Mr. Mark W. Rainford in @ 1317
Mr. Wayne A. Keller
Ms. Kelly R. Jansen

The following members of the Board of Examiners were absent:

Mrs. Sandra C. Taylor
Vacant Public Member
Vacant Security Services Contractor Member
Vacant Security Services Contractor Member

The following staff members were in attendance:

Rae Mims, Esquire – Deputy Attorney General
Lieutenant Kerry B. Reinbold – Professional Licensing
Ms. Peggy L. Anderson – Professional Licensing
Ms. Wendy S. Meyers – Professional Licensing
Ms. Ashley Maturo – Professional Licensing Intern

The following staff members were absent:

Captain S. Benjamin Parsons – State Bureau of Identification
Sergeant Brian L. Pixley – Professional Licensing
Mr. Michael Terranova – DTCC Representative

The following individuals were also in attendance:

Dr. Frank E. Hendron
Mr. Frank Kaleta
Ms. Mary Nicklow @ 1351

Since quorum has not been met at this time, the meeting will proceed with all items that are FYI to the Board and then go back on the agenda to those items that need to be voted upon, when Mr. Rainford arrives and when Ms. Nicklow arrives.

III. Appeal Hearings & Other Actions

D. Updates from Previous Decisions

1. Timothy L. Peters

Ms. Anderson presented the facts on the background for Mr. Timothy L. Peters, from a previous meeting, as follows:

- 10/26/17 – Had requested hearing – charges still pending
 - Board upheld emergency suspension until disposition
- 11/27/17 – Charge NOLP
- 11/30/17 – Administratively reinstated

Mr. Peters has been administratively reinstated. No vote necessary – FYI only.

IV. Licensures

Ms. Anderson presented the following agencies for approval. Mrs. Bingham has assured that all licensures, renewals, approvals and changes in Item IV have met all the statutory requirements for Delaware Code Title 24 Chapter 13 and the Rules & Regulations and have provided same to the Professional Licensing Section. All renewals with no changes have been administratively approved for renewal licensure and are presented as FYI only.

A. Class A – Private Investigative Agency – *Renewals - FYI*

1. Claims Bureau, Inc.
2. First Advantage Background Services Corp.
3. Hanrahan Investigations, Inc.
4. ICU Investigations,, Inc.
5. Inforetrieval
6. James F. Valentine Inc.

7. Joseph Michael Lamonaca Detective Agency
8. JP Investigative Group, Inc.
9. Maryland Claims Investigation, Inc.
10. Mohr Investigative Services, Inc.
11. Rocky Gorge Detective Agency, LLC
12. Ronald E. Bielinski, Private Investigator
- ***~~13. Shannon Associates~~***

Ms. Anderson presented A.1-12 as informational purposes only for Class A renewals with no changes. No vote necessary.

- D. Class A – Private Investigative Agency – *Issues*
1. U.S. Detectives, LLC

Ms. Anderson informed the Board that D.1 has submitted their renewal application after the agenda was posted for the final time. Therefore, D.1 is presented as informational purposes only for Class A renewals with no changes. No vote necessary.

- E. Class B – Private Security Agency – *Renewals - FYI*
1. Command Security Corporation
 2. Core Security Solutions, Inc.
 3. Signal 88 Security of Delaware

Ms. Anderson presented E.1-3 as informational purposes only for Class B renewals with no changes. No vote necessary.

- G. Class B – Private Security Agency – *Issues*
1. Ronin Security Solutions LLC
 2. Securemedy, Incorporated

Ms. Anderson informed the Board that G.1-2 has not submitted their renewal application for the Class B License. They have until midnight, January 31, 2018 (tonight) for submission to renew.

- H. Class B – Private Security Agency – *Old Business*
1. Harvard Protection Services, LLC

Ms. Anderson informed the Board that H.1 did not submit their renewal application for the Class B License by midnight, October 31, 2017, therefore they are a non-renewal. No vote necessary.

- I. Class C – Private Investigative & Private Security Agency – *Renewals - FYI*
- ***1. Code 3 Security and Protection Services, Inc.***
 2. E.I. DuPont De Nemours and Company
 3. T & B Investigations & Security Agency, LLC

Ms. Anderson presented I.1-3 as informational purposes only for Class C renewals with no changes. No vote necessary.

- K. Class C – Private Investigative & Private Security Agency – *Resignations/Non-Renewals – FYI*
 - 1. FJC Security Services, Inc.
 - a. Bought Out – Allied Universal Security Services, LLC

Ms. Anderson informed the Board that K.1 has been bought out. No vote necessary.

- ~~***L. Class C – Private Investigative & Private Security Agency – *Issues****~~
~~1. Code 3 Security and Protection Services, Inc.~~

- M. Class C – Private Investigative & Private Security Agency – *Old Business*
 - 1. Tactical American Security Consulting, LLC

Ms. Anderson informed the Board that M.1 did not submit their renewal application for the Class C License by midnight, October 31, 2017, therefore they are a non-renewal. No vote necessary.

- N. Class D – Armored Car Agency – *Renewals - FYI*
 - 1. Brinks, Inc.
 - 2. Dunbar Armored, Inc.
 - 3. Loomis Armored US, LLC

Ms. Anderson presented N.1-3 as informational purposes only for Class D renewals with no changes. No vote necessary.

VI. Instructors

- A. Approved
 - 1. Handgun
 - a. Barton F. Walker, III

Ms. Anderson presented A.1.a as informational purposes only for new handgun instructor. No vote necessary.

- B. Resignations/Terminations
 - 1. Handgun
 - a. David A. Ashworth
 - b. Evan Avnet
 - c. James A. Boyd, II
 - d. James Chance
 - e. John R. Davidson
 - f. John Davis
 - g. Andrae J. Jackson
 - h. Nathaniel S. Johnson, Jr.

- i. Derrick Lynch
- j. Meghan Park
- k. Michael U. Robinson
- l. Stephen Simpkins
- m. Ralph Smith, Jr.
- n. Luis A. Torres
- o. Joseph Vickers
- p. Marcel Walker
- q. James R. Willauer

Ms. Anderson presented B.1.a-q as informational purposes only for handgun terminations. This removal of so many instructors was a result of the amended Rule 4.0 requiring handgun instructors to have Law Enforcement certification, which this list did not have that required certification. No vote necessary.

C. Issues

- 1. Donald K. Johnson
- ***2. ~~Jack McGhee, 2nd~~ ***

Ms. Anderson informed the Board that Mr. Johnson and Mr. McGhee wished to wait to plead their case to the BEA Board Meeting next month.

VII. Old Business

A. Professional Licensing

- ***2. Firearms Audit***

Ms. Anderson informed the Board that the 2018 Firearms Audit has been started. Starting this year, the armed security and armored car guards will be receiving two identification cards – 1) a yellow card with their five or two year expiration date and 2) a red card with an expiration date of 12/31/** (the year that they have met the three qualification shoots for). This should eliminate the need to send out certified notifications next year when individuals do not complete the required three shoots per calendar year. The red firearms card will expire on December 31st and not be valid in the following year, however the individual may continue to work as an unarmed guard with the current, valid yellow card. The procedures to have the red firearms card reinstated will remain as the rule requires.

B. Board Members

The Board members did not have any old business at this time.

C. Lieutenant Colonel

Lt. Colonel Hudson did not have any old business at this time.

VIII. New Business

A. Professional Licensing

1. Board Members

a. Harvey A. Woods, III (Exhibit I)

Ms. Anderson read an email from Mr. Woods stating that he must resign from the Board due to health issues. He has enjoyed the work that has been accomplished and wished everyone the best.

Ms. Jansen offered to remain on the Board, especially since we are down by three members. The newly amended law allows for her to be re-appointed.

Mr. Rainford entered the meeting @ 1317 to give the Board quorum.

The Board will now return to the top of the Agenda and continue through where voting is required.

Introductions were made at this time, also.

II. Review and Acceptance of Meeting Minutes

A. October 26, 2017

Mr. Irwin, with a second by Ms. Jansen, made a motion to approve the minutes from the 10/26/17 meeting, as presented. The motion was carried.

III. Appeal Hearings & Other Actions

B. Notice of Intent to Revoke

1. Angeline M. Metelus

Ms. Anderson presented the facts regarding Ms. Angeline M. Metelus as follows:

- 10/20/16 – Processed for security guard
- 01/01/17 – Quarterly arrest report revealed:
 - 11/05/16
 - Possess a controlled substance
 - Manufactures, delivers, or possess
 - Conspiracy second degree
 - 10/17/17 – found Guilty on below charges
 - Possesses a controlled substance in a Tier 5 quantity
 - Manufactures, delivers, or PWID a Tier 4 controlled substance
 - Conspiracy Second Degree – Agreement to engage in Felony
- 01/25/17 – First Class/Certified notification of emergency suspension sent
 - 02/25/17 – Deadline for hearing request – none received
- 10/25/17 – First Class/Certified notification of Intent to Revoke sent
 - 11/25/17 – Deadline for hearing request – none received

Mr. Keller, with a second by Mr. Irwin, made a motion to revoke Ms. Metelus' security guard identification card. The motion was carried.

2. Brian T. Mitchell

Ms. Anderson presented the facts regarding Mr. Brian T. Mitchell as follows:

- 07/19/16 – Processed for security guard
- 01/18/17 – Quarterly arrest report revealed:
 - 01/17/17
 - Unlawful Sexual Contact Second Degree – 3 counts
 - Sexual Abuse of a child by a person of trust second degree
 - Continuous Sexual Abuse of a Child
 - 10/23/17 – found Guilty on below charge:
 - Unlawful Sexual Contact Second Degree – 3 counts
- 01/20/17 – First Class/Certified notification of emergency suspension sent
 - 02/20/17 – Deadline for hearing request – none received
- 11/03/17 – First Class/Certified notification of intent to revoke sent
 - 12/03/17 – Deadline for hearing request – none received

Mr. Irwin, with a second by Ms. Jansen, made a motion to revoke Mr. Mitchell's security guard identification card. The motion was carried.

3. Jason C. Rice, Sr.

Ms. Anderson presented the facts regarding Mr. Jason C. Rice, Sr. as follows:

- 04/25/17 – Processed for armored car guard
- 07/25/17 – Quarterly arrest report revealed:
 - 05/21/17
 - Offensive Touching
 - Endangering the Welfare of a Child
 - 10/16/17 – found Guilty on below charge:
 - Offensive Touching
 - Endangering the Welfare of a Child
- 08/01/17 – First Class/Certified notification of emergency suspension sent
 - 09/01/17 – Deadline for hearing request – none received
- 11/03/17 – First Class/Certified notification of intent to revoke sent
 - 12/03/17 – Deadline for hearing request – none received

Mr. Irwin, with a second by Mr. Keller, made a motion to revoke Mr. Rice's security guard identification card. The motion was carried.

C. Notice of Emergency Suspension with Intent to Revoke

1. Stephen L. Martelli, Sr.

Ms. Anderson presented the facts regarding Mr. Stephen L. Martelli, Sr. as follows:

- 07/31/13 – Processed for security guard
- 10/01/17 – Quarterly arrest report revealed:
 - 07/28/17 – Found guilty of:
 - Delaware memorial Bridge: Toll Evasion – 5 counts
 - Theft of Services under \$1500
- 10/18/17 – First Class/Certified notification of emergency suspension with intent to revoke sent
- 11/18/17 – Deadline for hearing request – none received

Mr. Irwin, with a second by Mr. Keller, made a motion to revoke Mr. Martelli's security guard identification card. The motion was carried.

2. Davion R. McDonald

Ms. Anderson presented the facts regarding Mr. Davion R. McDonald as follows:

- 07/31/15 – Processed for security guard
- 10/01/17 – Quarterly arrest report revealed:
 - 07/14/17 – Possess Control/Counterfeit Substance except Human Growth
 - 12/13/17 – Found guilty of:
 - Possess Control/Counterfeit Substance exc Human Growth Hormone
- 10/18/17 – First Class/Certified notification of pending charges/watch status sent
 - 11/18/17 – Deadline for hearing request – none received
- 12/19/17 – First Class/Certified notification of emergency suspension with intent to revoke sent
 - 01/19/18 – Deadline for hearing request – none received

Mr. Irwin, with a second by Mr. Keller, made a motion to revoke Mr. McDonald's security guard identification card. The motion was carried.

IV. Licensures

Ms. Anderson presented the following agencies for approval. Mrs. Bingham has assured that all licensures, renewals, approvals and changes in Item IV have met all the statutory requirements for Delaware Code Title 24 Chapter 13 and the Rules & Regulations and have provided same to the Professional Licensing Section. All renewals with no changes have been administratively approved for renewal licensure and are presented as FYI only.

- B. Class A – Private Investigative Agency – *Renewals w/Changes*
1. Patrick J. McGinley Associates, Inc.
 - a. Patrick J. McGinley, III – New
 - b. Patrick J McGinley, Jr. – Replaced

2. Shannon Associates

- a. Kevin P. Shannon – New
- b. Robert C. Shannon – Replaced

Mr. Irwin, with a second by Ms. Jansen, made a motion to approve B.1-2, inclusive, as presented for renewal Class A licensure, with changes. The motion was carried.

C. Class A – Private Investigative Agency – *New*

- 1. Abacus Research, Inc.
 - a. Paul A. Seguin
- 2. Campanella Consulting Group, Inc.
 - a. John A. Campanella

Mr. Keller, with a second by Ms. Jansen, made a motion to approve C.1-2, inclusive, inclusive, as presented for new Class A Licensure. The motion was carried.

F. Class B - Private Security Agency – *Name Change*

- 1. Chenega Security & Protection Services, LLC
 - a. Chenega Total Asset Protection, LLC

Mr. Irwin, with a second by Mr. Keller, made a motion to approve F.1a as presented for Class B name change. The motion was carried.

J. Class C – Private Investigative & Private Security Agency – *New*

- 1. Black Nitro Operations
 - a. Frank E. Hendron

Mr. Irwin, with a second by Lt. Col. Hudson, made a motion to approve J.1a as presented for new Class C Licensure. The motion was carried.

V. Rule 10.0 – Uniforms, Patches, Badges, Seals, Vehicular Markings – Handout

A. Abacus Research, Inc. (Exhibit B)

- 1. Brochure
- 2. Letterhead

B. Black Nitro Operations (Exhibit C)

- 1. Uniform
- 2. Patch
- 3. Badge
- 4. External Vest
- 5. Business Card

C. Chenega Total Asset Protection, LLC (Exhibit D)

- 1. Patch

- D. Hub Enterprises, Inc. (Exhibit E)
 - 1. Letterhead
 - 2. Envelopes
 - 3. Business Card
 - 4. Marketing Materials

Mr. Keller, with a second by Mr. Irwin, made a motion to approve V.A-D, inclusive, as presented for Rule 10.0 approval. The motion was carried.

VII. Old Business

- A. Professional Licensing
 - 1. Rules & Regulations
 - a. Final Publication
 - i. Rule 7.0 Employment Notification

Mr. Irwin, with a second by Mr. Keller, made a motion to approve Rule 7.0, as presented, for Final Publication. The motion was carried.

- ii. Rule 8.0 Private Investigators

Mr. Irwin, with a second by Mr. Keller, made a motion to approve Rule 8.0, as presented, for Final Publication. The motion was carried.

- iii. Rule 9.0 Delaware Manager/License Holder

Ms. Anderson pointed out that Delaware Manager will be removed from the title of this rule as it is no longer a licensing requirement.

Mr. Irwin, with a second by Ms. Jansen, made a motion to approve Rule 9.0, as presented, for Final Publication. The motion was carried.

- iv. Rule 12.0 Record Book; Right of Inspection

Mr. Irwin, with a second by Mr. Keller, made a motion to approve Rule 12.0, as presented, for Final Publication. The motion was carried.

- v. Rule 13.0 Licensing Fees

Mr. Irwin, with a second by Lt. Col. Hudson, made a motion to approve Rule 13.0, as presented, for Final Publication. The motion was carried.

- b. First Publication
 - i. Rule 3.0 Nightstick, PR24, Mace, Peppergas and Handcuffs (Exhibit F)

Lt. Reinbold explained to the Board that this rule has been reviewed by; the Weapons & Force Committee and this is their recommendation, to all the Boards, for the rule amendment.

This will shift the responsibility to the individuals and agencies for the certification/re-certification of these weapons. Professional Licensing will still be able to reject any type of training that an individual may obtain. This will also take the burden off Professional Licensing of approving instructors.

This rule has been presented to the Constable Board, and will be presented to the Bail Enforcement Agent Board, to remain consistent within the entities that are regulated. Once all Boards have voted upon this rule, it will be sent to the Registrar, at the same time, for the continuity of the effective date.

Mr. Irwin, with a second by Mr. Rainford, made a motion to approve Rule 3.0, as presented, for First Publication. The motion was carried.

ii. Rule 4.0 Training Requirements (Exhibit G)

Lt. Reinbold explained to the Board what the intent behind this rule amendment is and how it will affect Professional Licensing and the industry itself. Lengthy discussion regarding the instruction of the security guards and the instructors ensued.

During discussion, it was determined that the mandatory security guard test is not in compliance with the amended legislation. It was determined that the security training committee should be re-opened to review the test and training to make those amendments. This will be discussed further under New Business – Lt. Colonel Commets.

Mr. Irwin, with a second by Mr. Rainford, made a motion to approve Rule 4.0, as presented, for First Publication. The motion was carried.

iii. Rule 11.0 Personnel Rosters and Job Assignments (Exhibit H)

Mr. Irwin, with a second by Lt. Col. Hudson, made a motion to approve Rule 11.0, as presented, for First Publication. The motion was carried.

III. Appeal Hearings & Other Actions

In accordance with 24 **Del. C.** Ch. 13 §1329(c)(3) Testimony before the Board shall be under oath.

Ms. Nicklow entered the meeting @ 1351.
The Board proceeded to her hearing.

A. Request Hearings
1. Mary L. Nicklow (Exhibit A)

Ms. Nicklow affirmed to tell the truth @ 1402 by answering “yes” and stating her name.

Ms. Anderson presented the facts regarding Ms. Nicklow as follows:

- 12/04/17 – Processed for security guard
- Denied for FBI Record:
 - New York City, PD, NY
 - 07/11/77 – Assault 2nd Degree: Intent to Cause Physical Injury with Weapon/Instrument – Felony – Completed
 - Report NOT Available
- 12/19/17 – First Class/Certified notification of denial sent
- 01/03/18 – Received hearing request

Ms. Nicklow was afforded the time to explain the background regarding the arrest. Ms. Nicklow passed out documents from Family Court in NYC, NY.

Lt. Col. Hudson and the Board reviewed the correspondence from NYC PD, NY regarding the fact that due to the age of the charge there is not a report available. After further discussion, it was determined that without any proof of conviction from NYC PD, NY, they could not prohibit Ms. Nicklow from obtaining her security guard identification card.

The security guard identification card was granted. Ms. Nicklow asked to have the card mailed to her.

Ms. Nicklow left the meeting @1409.

VIII. New Business
B. Board Members

The Board Members did not have any new business at this time.

C. Lieutenant Colonel

Discussion to bring back the training committee ensued. Lt. Col. Hudson gave Lt. Reinbold the authority to appoint the individuals to be on the committee. Professional Licensing will ask the industry for volunteers for the committee. This will allow for the industry to have their input into the training.

Mr. Irwin, with a second by Ms. Jansen, made a motion to re-open the Mandatory Security Guard Training Committee to review the training/study guide/test for compliance with the amended legislation and newly promulgated rules & regulations. The motion was carried.

IX. Public Comment (At the discretion of the Board Chair)

Mr. Kaleta wanted to thank the Board for their time on all the issues they discuss.

X. Adjournment

A. Next Hearing/Meeting

1. Thursday, April 12, 2018 @ 10:00am

Mr. Irwin, with a second by Mr. Keller, made a motion to adjourn the meeting at 1414 hours. The motion was carried.